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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,178	03/28/2006	Paul Alan Cooper	6106000003USNP	9266
27572 7590 11/07/2007 HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			EXAMINER STERLING, AMY JO	
			ART UNIT 3632	PAPER NUMBER
			MAIL DATE 11/07/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/565,178

Applicant(s)

COOPER, PAUL ALAN

Examiner

Amy J. Sterling

Art Unit

3632

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (POT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/19/06</u> | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This is the first Office Action for application number 10/565,178 Anchor Device for Supporting a Post, filed on 3/28/06. Claims 1-18 are pending.

Information Disclosure Statement

The information disclosure statement submitted on 1/19/06 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-14 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5365689 to Holliman.

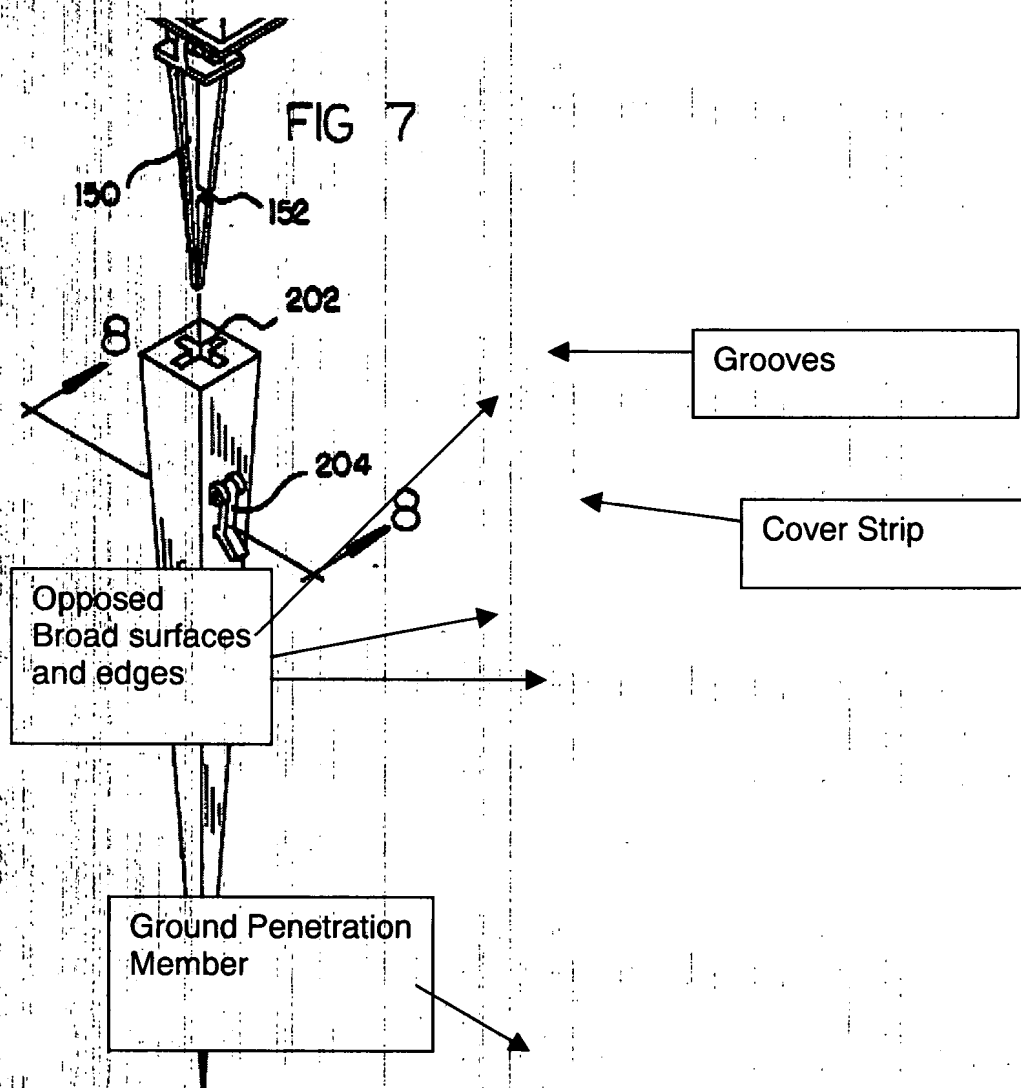
The patent to Holliman discloses a ground anchor for supporting a flexible post of plate like configuration having a pair of opposed broad surfaces (See Below) and a pair of edges, in the ground the ground anchor having a body (200) and one or more ground penetration members (See Below) and having a single internal socket (202) for receiving the guide post in use, the at least one internal socket having a cross-sectional shape being of corresponding shape to the flexible post (150) and having corresponding

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grooves to match with corresponding edges of the flexible post wherein there is provided retaining means (204) having a latch projection (204a) extending into the internal socket and a latch aperture (See Figure 8) in the body for engagement with the latch projection for retaining the guide post within the at least one internal socket in use wherein the retaining means is located adjacent the at least one internal socket for effecting release of the guide post from the at least one internal socket when required wherein either of the latch projection is contactable by a tool (204b) to effect release of the retaining means to facilitate removal of the post from the ground anchor and wherein there is provided a cover strip (See Below) having the latch projection (204a) engageable with the body and the cover strip is contactable by the tool and a post (150) retained within the at least one internal socket with the retaining means including a latch projection (152) formed on one of the ground anchor wherein either of the latch projection or the latch aperture are engageable or have an adjacent surface of the body contactable by a tool to effect release of the retaining means to facilitate removal of the post from the ground anchor and



Holliman also discloses the method from the structure that includes a method of installation of a flexible post in the ground, the flexible post being of plate like configuration having a pair of opposed broad surfaces and a pair of edges which are restricted or narrow in width which includes the steps of forming a hole in the ground; locating a ground anchor in the hole having at least one internal socket wherein the least one internal socket is substantially flush with ground level; and inserting the post in

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the at least one internal socket whereby the post is retained therein with a major part of the post extending above ground level whereby flexing of the post upon impact due to its plate like configuration may occur about a hinge point corresponding with ground level and wherein in step the hole is excavated prior to location of the ground anchor in the hole and wherein the hole is formed simultaneously with driving the ground anchor into the ground and wherein the post is retained within a single internal socket of the ground anchor whereby the cross sectional shape of the post corresponds to the shape of the single internal socket and wherein the post is retained with the at least one internal socket by interference fit, wherein the post is securely retained within the at least one internal socket by at least one or more latch projections, formed on one of the post or ground anchor any engaging with a corresponding aperture formed on another of the ground anchor or post wherein the latch projection is disengaged from the corresponding apertures to thereby release the post from engagement with the ground anchor.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5365689 to Holliman, as applied to claim 8 above, and in view of United States Patent No. 2554887 to Tricarico.

Holliman discloses applicant's basic inventive concept, all the elements which are shown above with the exception that it does not show wherein the ground penetration members comprise a plurality of spikes which extend downwardly from a bottom end of the at least one socket.

Tricarico discloses a ground anchor (10) having an internal socket (17) having ground penetration members which are a plurality of spikes (21) which extend downwardly from a bottom end of the at least one socket, used for better stability on uneven ground. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Tricarico to have made the ground penetration members having more than one spike, in order to improve the stability of the device.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following documents show a ground anchor member
6823814 to Bukky

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Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (Mon-Fri 8am-5:00pm). The fax machine number for the Technology center is 571-273-8300 (formal amendments), informal amendments or communications 571-273-6823. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.

Amy J. Sterling

11/1/07

Amy J. Sterling
AMY J. STERLING
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600